

OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management

MEMORANDUM OM 98-54

July 10, 1998

TO : All Regional Directors, Officers-in-Charge,  
and Resident Officers

FROM : Richard A. Siegel, Associate General Counsel

SUBJECT: Systems for Fostering a Successful 10(j) Program

Section 10(j) injunction procedures in appropriate cases are an important tool to ensure the remedial competence of a final Board order. The successful prosecution of cases in which this remedy should be sought is, in the first instance, entrusted to Regional Directors. Thus, the ultimate success of Agency enforcement activities under the Act in cases involving a variety of violations arising in a variety of contexts rests, in part, upon the early identification of cases in which ultimate remedial relief is in jeopardy, a full investigation of the merits and 10(j) worthiness of the case and prompt submission to Washington.

The maintenance of a successful 10(j) program in a Region requires the active participation of the Regional Director and subordinate managers and agents. Listed below are a number of Regional Office systems and practices that have been proven to be crucial to the success of the 10(j) program.

1. Presence of systems in place in the Regional Office for the early identification and expedited investigation of cases in which 10(j) injunctive relief may be warranted.
2. Effective utilization of the 10(j) Coordinator to help manage the Region's 10(j) program.
3. Active consideration of the need for 10(j) injunctive relief during the agenda of cases in the Regional Office and high quality analysis by the Regions regarding the appropriateness of seeking 10(j) injunctive relief, including decisions not to seek 10(j) authorization.
4. High quality and timely submissions to the Injunction Litigation Branch (ILB) seeking authorization to seek 10(j) injunctive relief.
5. Successful settlement/adjustment of cases in which the Region is actively considering whether 10(j) injunctive relief is warranted.
6. Accurate and timely maintenance of the 10(j) Quarterly Report.

7. Appropriate utilization of the Expedited Hearing Procedure in accordance with General Counsel Memorandum 94-17, "Expedited Hearings," dated December 29, 1994, and OM Memorandum, 97-12, "Reporting Procedures Regarding Use of Expedited Hearings," dated February 18, 1997.
8. High quality petitions, briefs, motions and other documents filed in district court in support of request for 10(j) injunctive relief and high quality advocacy in the Region's conduct of the hearing, handling of discovery requests and oral argument before the District Court.
9. Timely, thorough and vigorous compliance efforts with respect to 10(j) orders of the district court and the investigation, analysis and litigation of issues concerning contempt of outstanding 10(j) orders.
10. Training conducted in the Regional office designed to improve the identification, investigation and litigation of potential 10(j) cases.

Any questions concerning this memorandum should be directed to me or your Assistant General Counsel or Deputy.

R.A.S.

cc: NLRBU

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